

## § 701.1

*Guide*, which is available by subscription from its publisher at 424 West 33rd Street, New York, New York 10001. A copy of the guide can usually be found at each staffed Amtrak station, and at the offices of travel agents authorized to sell Amtrak tickets. Tariff changes which occur between issues of the Guide are published and widely distributed by Amtrak pending their publication in the next issue of the Guide.

(e) Each of the documents described in paragraphs (b) through (d) of this section is available to the public for inspection during regular business hours at the office of Amtrak's Freedom of Information Office at its headquarters at 400 North Capitol Street, NW., Washington, DC 20001, and at the office of the Division Manager, Human Resources, in New Haven, Philadelphia, Baltimore, New York, Los Angeles and Chicago. Each document has its own index. Since each index is useful only in connection with the document to which it pertains, and since requests for indices are uncommon, Amtrak has determined that publication of its indices as described in 5 U.S.C. 552(a)(2) would be unnecessary and impracticable.

## PART 701—FREEDOM OF INFORMATION ACT REGULATIONS

### Sec.

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**AUTHORITY:** 5 U.S.C. 552, as amended by sections 1801-1804 of the Omnibus Anti-Drug Abuse Act of 1986 (Pub. L. 99-570) which contains the Freedom of Information Reform Act of 1986 and sec. 306(g) of the Rail Passenger Service Act (45 U.S.C. 546(g)).

**SOURCE:** 47 FR 17822, Apr. 26, 1982, unless otherwise noted. Redesignated at 49 FR 24378, June 13, 1984.

**EDITORIAL NOTE:** For nomenclature changes to this part, see 49 FR 24378, June 13, 1984.

## 49 CFR Ch. VII (10-1-96 Edition)

### § 701.1 Purpose.

This part prescribes the procedures by which records of the National Railroad Passenger Corporation may be made available to the public pursuant to section 306(g) of the Rail Passenger Service Act, 45 U.S.C. 546(g), and the Freedom of Information Act, 5 U.S.C. 552.

### § 701.2 Definitions.

Unless the context requires otherwise, the following apply in this part:

(a) Masculine pronouns include the feminine gender.

(b) Definitions:

*Corporation* or *Amtrak* means the National Railroad Passenger Corporation.

*Includes* means "includes but is not limited to".

*President* means the President of the Corporation or his delegate.

*Record* means any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved, but does not include library materials compiled for reference purposes or objects of substantial intrinsic value.

[47 FR 17822, Apr. 26, 1982. Redesignated at 49 FR 24378, June 13, 1984 and amended at 52 FR 15321, Apr. 28, 1987]

### § 701.3 Policy.

(a) The National Railroad Passenger Corporation will make records within the Corporation available to the public to the greatest practicable extent in keeping with the spirit of the law. Therefore, all records of the Corporation—except those that the Corporation specifically determines should not be disclosed either in the public interest, for the protection of private rights, or for the efficient conduct of public or corporate business, but only to the extent withholding is permitted by law are declared to be available for public inspection and copying as provided in these procedures. A record will not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Corporation. Each

officer and employee of the Corporation dealing with record requests is directed to cooperate to the end of making records available to the public promptly, consistent with this policy.

(b) A requested record of the Corporation may be withheld from disclosure if it comes within one or more of the exemptions in 5 U.S.C. 552(b) or is otherwise exempted by law.

(c) In the event one or more of the exemptions applies to a record, any reasonably segregable portion of the record will be made available to the requesting person after deletion of the exempt portions.

(d) These procedures apply only to records in existence at the time of a request. The Corporation has no obligation to create a record solely for the purpose of making it available under the FOIA.

[47 FR 17822, Apr. 26, 1982. Redesignated at 49 FR 24378, June 13, 1984 and amended at 52 FR 15321, Apr. 28, 1987]

#### **§ 701.4 Availability of records on request.**

(a) Each person desiring access to a record or to have a copy of a record pursuant to the Freedom of Information Act shall comply with the following provisions:

(1) The request for the record shall be in writing.

(2) The request shall indicate that it is being made under the Freedom of Information Act.

(3) The envelope in which the request is sent shall be prominently marked with the symbol "FOIA".

(4) The request shall be addressed to the Freedom of Information Officer, National Railroad Passenger Corporation, 400 North Capitol Street, NW., Washington, DC 20001.

(b) If the requirements of paragraph (a) of this section are not met, the ten (10) day time limit described in § 701.5 will not begin to run until the request has been identified by an employee of the Corporation as a request under the Freedom of Information Act and has been received by the Corporate Communications Department.

(c) Each request should describe the particular record or records desired. To the extent practicable, the request should specify such features as the sub-

ject matter of the record, the date when it was made, the place where it was made and the person or office that made it. Generally, a request will be acceptable if it identifies a record with sufficient particularity to enable an employee of the Corporation to locate the record with a reasonable amount of effort. If the description is insufficient to permit location of a record, the Freedom of Information Officer will notify the requester and indicate the additional kinds of data which will facilitate the search.

(d) The submission of a FOIA request constitutes an agreement by the requester to pay the fees specified in § 701.7 unless the requester is entitled to a fee waiver or specifies in the request a different amount to which the Corporation agrees in writing.

(e) Searches will be made for requested records in order of receipt. Each so-called "continuing request" will be treated as a one-time request.

[47 FR 17822, Apr. 26, 1982. Redesignated at 49 FR 24378, June 13, 1984 and amended at 52 FR 15321, Apr. 28, 1987]

#### **§ 701.5 Time limits.**

(a) An initial determination whether to release records requested under this part shall be made within ten (10) days (excepting Saturdays, Sundays, and legal public holidays) after the request is received, except that this time limit may be extended by up to ten (10) working days in accordance with paragraph (c) of this section. The person making the request will be given prompt notice of any extension of time. If a determination is made to release a requested record, the record shall be made promptly available. If the determination is to decline to disclose the record, the person making the request shall, at the same time he is notified of such determination, be notified of:

(1) The reason for the determination; including citation of the relevant exemption relied on for denial;

(2) The right of the requester to appeal the determination; and

(3) The name and title or position of each person responsible for denial of the request.

(b) A determination with respect to an appeal made pursuant to § 701.6 shall